



August 13, 2012

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VIA EMAIL AND REGULAR MAIL

Alex Gurza
Deputy City Manager
Office of the City Manager, City of San Jose
200 E Santa Clara St
San Jose, CA 95113

**Re: Outsourcing of Background Investigations
File No. 038780**

Dear Alex:

We received word that you will not speak with us until Wednesday afternoon concerning our August 9, 2012 request for immediate arbitration over the City's plan to outsource background investigations. While we are glad to hear that the City will not move forward with outsourcing until that call, as Gregg stated in his email on Friday, August 10, 2012, we remain extremely concerned with the City's apparent refusal to engage in the immediate arbitration process mandated by the MOA.

Despite the City's continued failure to comply with the immediate arbitration procedures, the SJPOA intends to proceed with the procedure delineated by the MOA and will begin contacting those five arbitrators on the list provided today by the State Mediation and Conciliation Service. It would behoove the City to participate in the process to find a mutually agreeable arbitration date. However, we will not delay this process any longer if the City is not willing to engage in the immediate arbitration process.

Alex Gurza
Re: Outsourcing of Background Investigations
August 13, 2012
Page 2

Please contact the undersigned immediately to discuss this issue.

Very truly yours,

CARROLL, BURDICK & McDONOUGH LLP



Jennifer S. Stoughton

GMA:jo

cc: Chris Moore, Chief of Police
Edgardo Garcia, Deputy Chief of Police
Jim Unland, President, SJPOA
John Robb, Vice President, SJPOA
Franco Vado, Chief Financial Officer, SJPOA
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